

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re: Manson W. Seto and Kristin K. Seto
Debtors,

Manson W. Seto and Kristin K. Seto
Movants
v.

LSF9 Master Participation Trust and Ronda J.
Winnecur, Chapter 13 Trustee
Respondent.

Bankruptcy No. 12-23374-JAD

Chapter 13

Doc. No. 178

Related to Document No. 133 and 136

CONSENT ORDER

WHEREAS, on January 20, 2016, Manson W. Seto and Kristin K. Seto (hereinafter "Debtors") filed a Petition under Chapter 13 of the Bankruptcy Code in the United States Bankruptcy Court for the Western District of Pennsylvania;

WHEREAS, Ronda J. Winnecur (hereinafter "the Trustee") is the Chapter 13 Trustee in this case;

WHEREAS LSF9 Master Participation Trust (hereinafter "Creditor") is the current holder of a mortgage secured by the Debtors' property located at 3721 Woodbridge Drive, Oakdale, Pennsylvania 15071;

WHEREAS, on August 4, 2012, Creditor filed Proof of Claim at Claim No. 3, reflecting a secured claim in the amount of \$185,442.76 and prepetition arrears in the amount of \$15,000.25;

WHEREAS, on May 12, 2017, Creditor filed a Notice of Mortgage Payment Change at Claim No. 3, which reflected a payment change effective June 1, 2017 in the amount of \$1,434.47 and an escrow account surplus of \$16,351.72 (the "First NMPC");

WHEREAS, on May 30, 2017, Debtors filed an Objection to the Notice of Mortgage Payment Change filed on May 12, 2017 at Docket No. 133 questioning the escrow account surplus in light of the fact that no prior Notice of Mortgage Payment Changes had been filed by Creditor since the date the bankruptcy case was filed;

WHEREAS, on June 16, 2017 Creditor filed a Response to the Debtors' Objection to the Notice of Mortgage Payment Change filed on May 12, 2017 at Docket No.136;

WHEREAS, on September 26, 2017, Creditor filed a Notice of Mortgage Payment Change at Claim No. 3 which reflected a payment change of \$1,438.82 effective November 1, 2017 and an escrow account surplus of \$3,175.95 (the "Second NMPC");

NOW THEREFORE, each in consideration of the promises of the other and intending to be legally bound, subject to the approval of the Bankruptcy Court, it is hereby agreed to settle the Debtors' Objection to Notice of Mortgage Payment Change Filed May 12, 2017 at Docket No. 133 and Creditor's Response thereto at Docket No. 136, by and among Alan R. Patterson III, Esquire, Counsel for Debtors, Ronda J. Winnecur, Chapter 13 Trustee and counsel for Creditor, by and through its attorney, Celine P. DerKrikorian, Esquire, as follows:

1. All postpetition regular monthly mortgage payments from July 1, 2012 to June 1, 2017 that have come due for the length of Debtors' Chapter 13 Plan were in the amount of \$1,403.34 for principal, interest, and escrow, per the filed Proof of Claim at No. 3.
2. Creditor did not implement the First NMPC filed on May 12, 2017 and accordingly, the First NMPC is withdrawn.
3. Creditor has applied all post-petition monthly mortgage payments from July 1, 2012 to June 1, 2017 in accordance with the terms of confirmed Chapter 13 Plan.
4. The Chapter 13 Trustee made a disbursement to Creditor on May 25, 2017 and upon receipt of the same, the Debtors' account was paid through June 2017.
5. Upon completion of the Chapter 13 Plan, Debtors were to resume making direct monthly mortgage payments effective July 1, 2017.
6. The Second NMPC is correct and effective November 1, 2017, Debtors' monthly mortgage payment changed from \$1,403.034 to \$1,438.82 for principal, interest, and escrow.
7. As of the date of this Consent Order, Debtors' account is due for the December 1, 2017-January 1, 2018 regular monthly mortgage payments of \$1,438.82 each for a total of \$2,877.64.
8. The Second NMPC reflects an escrow account surplus in the amount of \$3,175.95 which will be returned to Debtors when the account is brought current through January 2018.
9. The Chapter 13 Trustee has sufficient funds on hand to make a final disbursement to Creditor in the amount of \$2,877.64 at the end of January 2018, which will bring Debtor's account current through January 2018.
10. Upon receipt of the \$2,877.64 which represents the December 2017 and January 2018 monthly mortgage payments, Debtors' account with a principal balance of \$155,042.19 shall be postpetition and contractually current through January 2018 and Creditor will send Debtors a check in the amount of \$3,175.95 representing the escrow surplus.
11. Debtors' escrow account is sufficiently funded for the tax and insurance obligations for the present year, 2018.
12. Creditor has agreed to pay Debtors' attorney fees related to this matter in the amount of \$1,485.00.
13. No fees or costs relating to the defense of this Objection to Notice of Mortgage Payment Change have been or will be assessed to Debtors' account.

IN WITNESS hereof, the parties, by their respective, duly authorized, undersigned counsel of record and agent, have cause this Consent Order to be executed as of the _____ day of _____ 2018.

BY THE COURT:



1-26-2018

Jeffrey A. Deller, United States Bankruptcy Judge

Jeffery

Consented to by:

/s/Celine P. DerKrikorian

ANN E. SWARTZ, ESQUIRE

CELINE P. DERKRIKORIAN, ESQUIRE

ALEXANDRA T. GARCIA, ESQUIRE

McCabe, Weisberg & Conway, P.C.

Wells Fargo Bank Building

123 S. Broad Street, Suite 1400

Philadelphia, PA 19109

Attorney for LSF9 Master Participation Trust

ecfmail@mwc-law.com

Dated: 1/24/2018

FILED

1/26/18 10:00 am

CLERK

U.S. BANKRUPTCY

COURT - WDPA

/s/Alan R. Patterson

Alan R. Patterson, III, Esquire

707 Grant Street

Suite 2340

Pittsburgh, PA 15219

apattersonlaw@protonmail.com

Dated: 1/24/2018

/s/Ronda J. Winnecour

Ronda J. Winnecour

Suite 3250, USX Tower

600 Grant Street

Pittsburgh, PA 15219

cmevf@chapter13trusteewdpa.com

Chapter 13 Trustee

Dated: 1/24/2018

In re:
 Manson W. Seto
 Kristin K Seto
 Debtors

Case No. 12-23374-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: culy
 Form ID: pdf900

Page 1 of 1
 Total Noticed: 1

Date Rcvd: Jan 26, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 28, 2018.

db/jdb +Manson W. Seto, Kristin K Seto, 721 Woodbridge Drive, Oakdale, PA 15071-9701

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 28, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 26, 2018 at the address(es) listed below:

Alan R. Patterson, III on behalf of Debtor Manson W. Seto apattersonlaw@protonmail.com, andrewmgross@aol.com;grossandpatterson@gmail.com;G2433@notify.cincompass.com
 Alan R. Patterson, III on behalf of Joint Debtor Kristin K Seto apattersonlaw@protonmail.com, andrewmgross@aol.com;grossandpatterson@gmail.com;G2433@notify.cincompass.com
 Alexandra Teresa Garcia on behalf of Creditor LSF9 Master Participation Trust ecfmail@mwc-law.com
 Andrew F Gornall on behalf of Creditor REAL TIME RESOLUTIONS, INC.Et Al... agornall@goldbecklaw.com, bkgroup@goldbecklaw.com;bkgroup@kmlawgroup.com
 Andrew F Gornall on behalf of Creditor JPMORGAN CHASE BANK, N.A. agornall@goldbecklaw.com, bkgroup@goldbecklaw.com;bkgroup@kmlawgroup.com
 Celine P. DerKrikorian on behalf of Creditor LSF9 Master Participation Trust ecfmail@mwc-law.com
 Elizabeth Lamont Wassall on behalf of Creditor Ocwen Loan Servicing, LLC vbarber@udren.com
 James Warmbrodt on behalf of Creditor JPMORGAN CHASE BANK, N.A. bkgroup@kmlawgroup.com
 James A. Prostko on behalf of Creditor Nationstar Mortgage, LLC pawb@fedphe.com, james.prostko@phelanhallinan.com
 Jeffrey R. Hunt on behalf of Creditor South Fayette School District jhunt@grblaw.com, cnoroski@grblaw.com
 Karina Velter on behalf of Creditor LSF9 Master Participation Trust amps@manleydeas.com
 Leslie J. Rase, Esq. on behalf of Creditor Nationstar Mortgage, LLC lrase@sterneisenberg.com, ddelvecchio@sterneisenberg.com;dbogucki@sterneisenberg.com
 Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
 Ronda J. Winnecour cmecf@chapter13trusteedpa.com
 S. James Wallace on behalf of Creditor Equitable Gas Bankruptcy Department sjw@sjwpgh.com, Equitablebankruptcy@peoples-gas.com;srk@sjwpgh.com
 Sherri J. Braunstein on behalf of Creditor Ocwen Loan Servicing, LLC pawb@fedphe.com, sherri.braunstein@phelanhallinan.com
 Stuart P. Winneg on behalf of Creditor Ocwen Loan Servicing, LLC swinneg@udren.com, cblack@udren.com
 Thomas Song on behalf of Creditor LSF9 Master Participation Trust pawb@fedphe.com
 TOTAL: 18